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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,792	12/22/1999	CHARLES ROBERT KALMANEK JR.	2685/5249	5384
26652	7590	06/26/2006		
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER PATEL, AJIT	
			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. _____

09/469,792

Applicant(s)

KALMANEK ET AL.

Examiner

Ajit Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-32 is/are allowed.
- 6) ☒ Claim(s) 21-24, 33-36, 38 and 40 is/are rejected. Ajit Patel
- 7) ☒ Claim(s) 25-27, 37, 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 21- 24, 33-36, 38, and 40 are rejected under 35 U.S.C. 102(b or e) as being anticipated by Armbruster et al (US 5,710,971).

With respect to claim 21, Armbruster et al disclose a method for performing lawful authorized electronic surveillance (col. 1, lines 5-17); verifying on a per-call basis, that a call between a first party (subscriber 36) is to be surveilled (Fig. 4, step 98; col. 8, lines 34-38 where on a per-call basis, the calls are checked to see if they are to be surveilled/duplicated); and multicasting packets associated (packet duplication, Fig. 4, steps 100, 102, 104) with a call to a

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

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second party (subscriber 48) and to a surveillance receiver (monitoring center 60, col. 8, lines 63-67).

With respect to claim 22, Armbruster et al disclose that the call includes a bearer channel (the compressed voice data channel 64); and the multicasted packets are only those packets associated with the bearer channel of the call (only voice packets are duplicated for transmission to the monitoring station, col 7, line 63- col. 8, line15).

With respect to claim 23, it is inherent to lawful authorized electronic surveillance such as that disclose by Armbruster et al that the gateway 54 receive a request for surveillance of a first party in order to identify which calls are to be selective monitored.

With respected to claim 24, clearly either subscriber 36 or 48 are untrusted otherwise electronic surveillance would lawfully authorized.

With respect to claim 33, Armbruster et al disclose sending a request (BSS-MAP) from a surveillance receiver (MSC 56 & Monitoring Center 60) for surveillance of a first party(col. 7, lines 14-16); receiving packet from and first (36) and second party (48); and multicasting (packet duplication, Fig. 4, steps 100, 102, 104) from an network edge device (gateway 54) to second party (48) and the surveillance party (monitoring center 60/ MSC 56).

With respect to claim 34, Armbruster et al disclose that the call includes a bearer channel (the compressed voice data channel 64); and the multicasted packets are only those packets associated with the bearer channel of the call (only voice packets are duplicated for transmission to the monitoring station, col 7, line 63- col. 8, line15).

With respect to claim 35, Armbruster et al disclose sending a request (BSS-MAP)

With respect to claims 35 and 36, gateway 54 is a network edge device which is associated with either a first or second party.

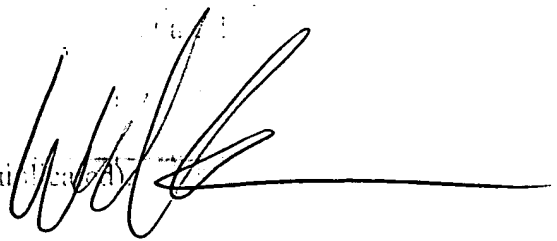
With respect to claim 38, clearly either subscriber 36 or 48 are untrusted otherwise electronic surveillance would lawfully authorized.

With respect to claim 40, verifying on a per-call basis, that a call between a first party (subscriber 36) is to be surveilled (Fig. 4, step 98; col. 8, lines 34-38 where on a per-call basis, the calls are checked to see if they are to be surveilled/duplicated).

4. Claims 25-27, 37, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 28-32 are allowed.

6. Any inquiry concerning this communication should be directed to Ajit Patel at telephone number 571-272- 3140.

A handwritten signature in black ink, appearing to read 'Ajit Patel', followed by a long horizontal line extending to the right.